

Art Unit: 3641

1. The appeal brief as filed on 8/20/2009 is defective for the reasons listed below: a) The STATUS OF AMENDMENTS section should be directed only to the status of **amendments filed after final** and not to the status of any other amendment. For instance the status of the amendment after final as filed on 8/20/2009 would be non-entered (see item 2 below). Whereas the status of any amendment filed after final in response to this defect appeal brief would be pending. b) In the GROUND OF REJECTION TO BE REVIEWED ON APPEAL section, the 4th item should be directed to an anticipated rejection under 35 USC 102(b) and not an obviousness rejection. c) In the APPENDIX A section, in claim 3, line 7, the word "tapered" should be deleted. In claim 3, line 9, the word "further" should be deleted. In claim 3, line 9, the phrase "said plurality of" should be claimed as (wherein each of said plurality of). Items a) to c) above must be changed to reflect an accurate copy of claim 3 as amended on 10/11/2005.
2. The amendment after final, as filed on 8/20/2009, has been denied entry because claim 3 as presented in independent form is not an accurate copy of claims 1 and 3 as incorporated into a single claim (see item c)) above.
3. To avoid dismissal of the appeal, appellant must submit the appeal brief within ONE MONTH or THIRTY DAYS from the mailing of this communication, whichever is longer. Extensions of time may be granted under 37 CFR 1.136.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Johnson whose telephone number is 571-272-6877 and whose e-mail address is (Stephen.Johnson@uspto.gov). The examiner can normally be reached on Tuesday through Friday.

Art Unit: 3641

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The Central FAX phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 800-786-9199.

/Stephen M. Johnson/
Primary Examiner, Art Unit 3641

SMJ
October 21, 2009